

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 24 2018 ★

BROOKLYN OFFICE

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Kelvin Burgos, Pedro Acosta, Claudia Duque,
Yendy Dominguez, and Rafael Morel, *on*
behalf of themselves and all those similarly
situated,

Plaintiffs,

-against-

NOT FOR PUBLICATION
ORDER
15-CV-6840 (CBA) (CLP)

Northeast Logistics Inc. d/b/a Diligent Delivery
Systems, and Jerry Curcio and Larry Browne,
in their individual and professional capacities,

Defendants.

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AMON, United States District Judge:

Plaintiffs Kelvin Burgos, Pedro Acosta, Claudia Duque, Yendy Dominguez, and Rafael Morel, on behalf of themselves and others similarly situated, bring this action against Northeast Logistics Inc. (d/b/a Diligent Delivery Systems), Jerry Curcio, and Larry Browne, alleging violations of the Fair Labor Standards Act and the New York Labor Law. (D.E. # 1.) In October of 2017, the parties informed the Court that they had reached a settlement, and the Court referred review of the proposed settlement agreement to the Honorable Cheryl L. Pollak, U.S. Magistrate Judge, under Cheeks v. Freeport Pancake House, 796 F.3d 199, 206 (2d Cir. 2015). Magistrate Judge Pollak held a fairness hearing and submitted a Report and Recommendation (“R&R”) recommending that the Court deny the motion to approve the settlement agreement without prejudice to resubmitting the agreement with changes outlined in the R&R. (D.E. # 68.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.

§ 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, adopts the well-reasoned R&R as the opinion of the Court.

After Magistrate Judge Pollak filed her R&R, the parties submitted a revised settlement agreement, which they have asked the Court to approve. (D.E. # 69.) The Court refers the review of the revised settlement agreement to Magistrate Judge Pollak.

SO ORDERED.

Dated: May 23, 2018
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge